

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin.

R307-223

Time filed:

Code ref. (R no.):

1. Agency: Environmental Quality/Air Quality

Room no.:

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(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):

Emission Standards: Existing Small Municipal Waste Combustion Units.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. EPA issued standards for existing small municipal waste combustion units (40 CFR Part 60, Subpart BBBB) at 63 FR 76378 on December 6, 2000. 19-2-104(3)(q) states that the Air Quality Board may "meet the requirements of federal air pollution laws." R307-223, along with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference by R307-220-4, implements those regulations in Utah. The only source in Utah that is regulated by the Plan and R307-223 is Wasatch Energy Systems in Davis County.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received.**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**

This rule is required by 40 CFR Part 60, Subpart BBBB. It requires that states regulate existing small municipal waste combustion units to ensure that they comply with emission limits for multiple pollutants including such hazardous air pollutants as lead, cadmium, mercury, dioxins and furans.

6. Indexing information - keywords (maximum of four, in lower case):

air pollution, municipal waste incinerator, waste to energy plant

7. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	Date (mm/dd/yyyy):	2/15/2006
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Non Printable

M. Cheryl Heying
5-25-06

R307. Environmental Quality, Air Quality.

R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.

R307-223-1. Purpose and Applicability.

(1) R307-223 regulates emissions from existing small municipal waste combustion units. The purpose of R307-223 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and furans from small municipal waste combustion units. Reductions are required by 42 U.S.C. 7411(d) and 7429 and 40 CFR Part 60, subpart BBBB, published at 63 FR 76378, December 6, 2000, and by the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(2) R307-223 applies to each existing small municipal waste combustion unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and commenced construction on or before August 30, 1999. A list of facilities not subject to R307-223 is found in 40 CFR 60.1555(a) through (k), and is hereby adopted and incorporated by reference.

(3) If an owner or operator of a municipal waste combustion unit makes physical or operational changes to an existing municipal waste combustion unit primarily to comply with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4, then R307-210 does not apply to that unit. Such changes do not constitute modifications or reconstructions under R307-210.

(4) The owner or operator of any source subject to R307-223 also is required to submit an application for an operating permit under R307-415 and must notify the executive secretary that the source is subject to CFR Part 60, Subpart BBBB no later than January 1, 2002.

R307-223-2. Definitions and Equations.

(1) The following definitions apply only to R307-223. Definitions found in 40 CFR 60.1940, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference, with the following substitutions.

(a) Substitute "executive secretary" for all federal regulation references to "Administrator" or "EPA Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State," "State agency" or "State regulatory agency."

(c) "State plan" means the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(d) "You" means the owner or operator of a small municipal waste combustion unit.

(e) Substitute "Rule R307-223" for all references to "this subpart."

(f) Substitute "40 CFR Part 60" for all references to "this part."

(g) Substitute "40 CFR" for all references to "This title."

(2) Equations found in 40 CFR 60.1935, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference.

R307-223-3. Requirements.

(1) Each incinerator owner or operator subject to R307-223 must comply with the requirements of 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification, operating requirements, emission limits, continuous emission monitoring, stack testing, other monitoring requirements, record keeping, and reporting. These provisions and table are adopted and incorporated by reference with the exceptions listed below.

(a) In 40 CFR 60.1650(a), delete "or state."

(b) In 40 CFR 60.1675(a), delete "or a current provisional operator certification from your State certification program."

(c) In 40 CFR 1675 (c), change "three" to "two," and delete 40 CFR 1675(c)(3).

(2) Compliance dates. Each incinerator must be in compliance with the dates in Section III of the Plan.

KEY: air pollution, municipal waste incinerator*, waste to energy plant*

Date of Enactment or Last Substantive Amendment: September 10, 2001

Authorizing, and Implemented or Interpreted Law: 19-2-104